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MEMORANDUM ENDORSEMENT

June 3, 2020

VIA ECF

Hon. Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 6B
New York, NY 10007

Re: *M.S., et al. v. N.Y.C. Dep't of Educ., et al.*, 20-cv-01300 (GBD) (GWG)

Dear Judge Gorenstein,

I am an Assistant Corporation Counsel in the office of Corporation Counsel James E. Johnson, attorney for Defendant in the above-referenced action wherein Plaintiffs seek, among other relief, attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq., as well as for this action. Plaintiffs also seek payment pursuant to an "implementation" claim based on the allegation that the DOE has failed to make a required tuition payment.


I write on behalf of both parties in response to your July 10, 2020 Order to respectfully request a 21-day adjournment of the July 21, 2020 initial case management conference (ECF No. 21). Parties have been actively involved in settlement negotiations, and believe that with a brief adjournment we can resolve some—and potentially all—of the issues at bar without need for discovery. Specifically, we believe that two weeks should be sufficient to resolve Plaintiffs' "implementation" claim, and provide opportunity to negotiate and reach a settlement of Plaintiffs' claims for attorneys' fees.

As requested in your July 10 Order, we have also negotiated and agreed to a proposed discovery schedule, but hope that given a short adjournment that discovery will be unnecessary.

We have spoken with the Deputy Clerk who has informed us that August 11 at 2:15 PM is available.

Thank you for considering this submission.

Application granted. Conference adjourned to August 11, 2020 at 2:15 p.m. Proposed scheduling order due August 7, 2020.


GABRIEL W. CORENSTEIN
United States Magistrate Judge
July 17, 2020

Respectfully Submitted,

/s/ Sherief Gaber
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Assistant Corporation Counsel
Attorney for Defendant

/s/ Tracey Spencer Walsh
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